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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

Attorney Docket No. 2024750-7015284001

First Inventor Avi Penner

Title ACOUSTICALLY POWERED IMPLANTABLE  
STIMULATING DEVICE

Express Mail Label No. EU874341233US

PTO  
22154 U.S. PTO  
632465  
07/31/03Commissioner for Patents  
Mail Stop Patent Application  
P.O. Box 1450  
Alexandria, VA 22313-1450**ENCLOSURES (check all that apply)**

- Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing)*
- Applicant claims a small entity status.  
See 37 CFR 1.27.
- Specification [Total Pages 40]  
*(preferred arrangement set forth below)*
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table or computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings *(if filed)*
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- Drawing(s) (35 U.S.C. 113) [Total Sheets 8]
- Oath or Declaration [Total Pages ]  
 a.  Newly executed (original or copy)  
 b.  Copy from a prior application (37 CFR 1.63(d))  
*(for continuation/divisional with Box 18 completed)*
  - i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
- Application Data Sheet. See 37 CFR 1.76

7.  CD-ROM or CD-R in duplicate, large table or Computer Program *(Appendix)*
8.  Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(b) Statement  Power of *(where there is an assignee)*  Attorney
11.  English Translation Document *(if applicable)*
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citation
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*
15.  Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16.  Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: \*

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation       Divisional       Continuation-in-part  
(CIP)

of prior application  
Nos. 09/989,912  
09/888,272  
10/413,428

Group Art Unit:

Prior application information      Examiner  
For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS** Customer Number or Bar Code Label Correspondence address below

(Insert Customer No. or Attach bar code label here)

|                   |                                      |           |                                   |          |                |
|-------------------|--------------------------------------|-----------|-----------------------------------|----------|----------------|
| Name              | Bingham McCutchen LLP                |           |                                   |          |                |
| Address           | Three Embarcadero Center, Suite 1800 |           |                                   |          |                |
| City              | San Francisco                        | State     | CA                                | Zip Code | 94111-4067     |
| Country           | US                                   | Telephone | (213) 680-6865                    | Fax      | (213) 680-6499 |
| Name (Print/Type) | Michael J. Bolan                     |           | Registration No. (Attorney/Agent) | 42,339   |                |
| Signature         |                                      |           | Date                              | 7/30/03  |                |

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

Express Mail Label No.: EU874341233US

Date of Deposit: 7/31/03

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.

*Jocelyn L. Lee*

Jocelyn L. Lee

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL FOR FY 2003

Patent fees are subject to annual revision.

01576 U.S. PTO  
07/31/03

## Complete if Known

|                      |                  |
|----------------------|------------------|
| Application Number   | Not Yet Assigned |
| Filing Date          | Herewith         |
| First Named Inventor | Avi Penner       |
| Examiner Name        | Not Yet Assigned |
| Group Art Unit       | Not Yet Assigned |

## TOTAL AMOUNT OF PAYMENT

(\$556)

Attorney Docket No. 2024750-7015284001

## METHOD OF PAYMENT

The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number

50-2518

Deposit Account Name

Bingham McCutchen LLP

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
 Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed: Check  Credit Card  Money Order  Other

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

| Large Fee Code     | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description                                                              | Fee Paid |
|--------------------|-----------------|----------------|-----------------|------------------------------------------------------------------------------|----------|
| 1051               | 130             | 2051           | 65              | Surcharge - late filing fee or oath                                          |          |
| 1052               | 50              | 2052           | 25              | Surcharge - late provisional filing fee or cover sheet                       |          |
| 1053               | 130             | 1053           | 130             | Non-English specification                                                    |          |
| 1812               | 2,520           | 1812           | 2,520           | For filing a request for ex parte reexamination                              |          |
| 1804               | 920*            | 1804           | 920*            | Requesting publication of SIR prior to Examiner action                       |          |
| 1805               | 1,840*          | 1805           | 1,840*          | Requesting publication of SIR after Examiner action                          |          |
| 1251               | 110             | 2251           | 55              | Extension for reply within first month                                       |          |
| 1252               | 410             | 2252           | 205             | Extension for reply within second month                                      |          |
| 1253               | 930             | 2253           | 465             | Extension for reply within third month                                       |          |
| 1254               | 1,450           | 2254           | 725             | Extension for reply within fourth month                                      |          |
| 1255               | 1,970           | 2255           | 985             | Extension for reply within fifth month                                       |          |
| 1401               | 320             | 2401           | 160             | Notice of Appeal                                                             |          |
| 1402               | 320             | 2402           | 160             | Filing a brief in support of an appeal                                       |          |
| 1403               | 280             | 2403           | 140             | Request for oral hearing                                                     |          |
| 1451               | 1,510           | 1451           | 1,510           | Petition to institute a public use proceeding                                |          |
| 1452               | 110             | 2452           | 55              | Petition to revive – unavoidable                                             |          |
| 1453               | 1,300           | 2453           | 650             | Petition to revive – unintentional                                           |          |
| 1501               | 1,300           | 2501           | 650             | Utility issue fee (or reissue)                                               |          |
| 1502               | 470             | 2502           | 235             | Design issue fee                                                             |          |
| 1503               | 630             | 2503           | 315             | Plant issue fee                                                              |          |
| 1460               | 130             | 1460           | 130             | Petitions to the Commissioner                                                |          |
| Multiple Dependent |                 |                | = \$            | Petitions related to provisional applications                                |          |
|                    |                 |                |                 | Submission of Information Disclosure Stmt                                    |          |
| Large Fee Code     | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description                                                              |          |
| 8021               | 40              | 8021           | 40              | Recording each patent assignment per properties (times number of properties) |          |
| 1202               | 18              | 2202           | 9               | Filing a submission after final rejection (37 CFR § 1.129(a))                |          |
| 1201               | 84              | 2201           | 42              | For each additional invention to be examined (37 CFR § 1.129(b))             |          |
| 1203               | 280             | 2203           | 140             | Request for Continued Examination (RCE)                                      |          |
| 1204               | 84              | 2204           | 42              | Request for expedited examination of a design application                    |          |
| 1205               | 18              | 2205           | 9               | Other fee (specify) _____                                                    |          |

SUBTOTAL (1) (\$376)

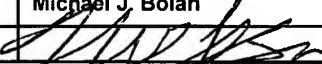
\*\* or number previously paid, if greater; For reissues, see above.

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

Complete (if applicable)

|                   |                                                                                     |                                   |         |                          |
|-------------------|-------------------------------------------------------------------------------------|-----------------------------------|---------|--------------------------|
| Name (Print/Type) | Michael J. Bolan                                                                    | Registration No. (Attorney/Agent) | 42,339  | Telephone (213) 680-6865 |
| Signature         |  | Date                              | 7/30/03 |                          |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

LA:40243878.1